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Appl. No. 10/001,267 (Docket No. 093/004P)
Reply to Office Action of September 19, 2006

REMARKS/ARGUMENTS:

No changes to the claims are made in this amendment. The only pending rejection is a obviousness-type double patenting rejection over allowed, co-pending Application No. 10/087,142 ("the '142 application"). Claims 41-50 are currently pending and under consideration.

Double Patenting

In this final Action, the Office rejected pending claims 41-50 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 13, and 21-28 of the '142 application. The Office stated that the rejection is maintained for the reasons of record advanced in the Office Action mailed November 3, 2005.

Applicants traverse the rejection and disagree with the Office's arguments. However, to facilitate prosecution and allowance of this case, and without acquiescence in the Office's rejection, Applicants herewith file a Terminal Disclaimer in compliance with 37 CFR 1.321 (c), thereby overcoming the rejection based on the non-statutory double patenting ground. On the basis of the attached Terminal Disclaimer, reconsideration and allowance of the application is respectfully requested.

Kindly charge the fee of \$130 due for the Statutory Disclaimer to Deposit Account 07-1139 (0093-004P) as indicated on the attached Fee Transmittal.

Respectfully submitted,

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